

Remarks

Claims 1, 6, 7, 8, 10, 11, and 13 are pending. Claims 2-5, 9, and 12 have been canceled without prejudice. Claims 1, 6, 7, 11, and 13 have been amended. Claims 1 and 6 are independent.

Reconsideration and withdrawal of the outstanding objection and rejections are respectfully solicited in view of the foregoing amendments and the following remarks.

The title is objected to as not being indicative of the claimed invention. In response, while not conceding the propriety of the objection, the title has been amended. Applicant submits that as amended, the title is now even more clearly indicative of the claimed invention. Therefore, Applicant respectfully requests that the Examiner withdraw the title objection.

Claims 12/6-12/10 are rejected under 35 U.S.C. § 101, as being directed to a non-statutory subject matter. In response, while not conceding the propriety of the rejection, Claim 12 has been canceled without prejudice, thereby rendering the rejection moot. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 11 and 13 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Examiner suggests specific amendments for overcoming the rejection. In response, while not conceding the propriety of the rejection, Claims 11 and 13 have been amended as suggested by the Examiner. Applicant submits that as amended Claims 11 and 13 now even more clearly satisfy 35 U.S.C. § 101. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

Applicant gratefully acknowledges the indication that Claims 4 and 9 contain allowable subject matter and would be allowed if redrafted in independent form. In response, Applicant

has incorporated the features of Claims 4 and 9 into independent Claims 1 and 6, respectively, and canceled Claims 4 and 9, thereby rendering all of the claims remaining in the case allowable.

Claims 1, 2, 6, 7, 11/1-11/2, 12/6-12/7, and 13/6-13/7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Inoue et al. (EP 0905650 A2). Claims 1-3, 5-8, 10, 11/1-11/3, 11/5, 12/6-12/8, 12/10, 13/6-13/8, and 13/10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ajewole et al. (U.S. Patent No. 5,046,118). Claims 3, 5, 8, 10, 11/3, 11/5, 12/8, 12/10, 13/8 and 13/10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue et al. in view of Ajewole et al. Claims 5, 11/5, 10, 12/10 and 13/10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inoue et al. in view of Bell et al. (U.S. Patent No. 6,370,265 B1).

In response, while not conceding the propriety of the rejections, independent Claims 1 and 6 have been amended to include the features of allowable Claims 4 and 9, respectively, as noted above. Therefore, Applicant respectfully requests that the art rejections be withdrawn.

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicant
Registration No.: 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
GMJ

DC_MAIN 276674v1